

# ASSEMBLY, No. 5756

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED AUGUST 23, 2019

**Sponsored by:**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Establishes “Business Grievance Board” in but not of DEP.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT establishing a business grievance board and supplementing  
2 Title 13 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. There is hereby established an independent grievance  
8 board, the “Business Grievance Board,” in, but not of, the  
9 Department of Environmental Protection for the purpose of  
10 addressing disputes between businesses operating in the State and  
11 the Department of Environmental Protection. The board shall:

12 (1) consider business complaints and requests for assistance to  
13 resolve disputes with the department;

14 (2) review each complaint and request and mediate a resolution  
15 between the business and the department; and

16 (3) issue non-binding recommendations to the department on  
17 action to taken for resolution of the dispute that generated the  
18 complaint or request for assistance.

19 b. The board shall consist of five members with expertise in  
20 environmental issues and the operation of local, State, or federal  
21 government, to be appointed as follows:

22 (1) two members appointed by the Governor upon the  
23 recommendation of the President of the Senate;

24 (2) one member appointed by the Governor upon the  
25 recommendation of the Speaker of the General Assembly; and

26 (3) two public members appointed by the Governor.

27 c. The appointed members shall serve without compensation,  
28 and shall be replaced in the same manner as they were appointed.  
29 The members shall have three year terms, except that, of those first  
30 appointed:

31 (1) the two members appointed upon the recommendation of the  
32 President of the Senate shall be appointed to a term of one year  
33 each;

34 (2) the two public members appointed by the Governor shall be  
35 appointed to a term of two years each; and

36 (3) the member appointed by the Governor upon the  
37 recommendation of the Speaker of the General Assembly shall be  
38 appointed to a term of three years.

39 d. The board shall organize as soon as practicable after the  
40 appointment of its members, but no later than 180 days after the  
41 appointment of its members, and shall select a chairperson from  
42 among its members, and a secretary who need not be a member of  
43 the board.

44 e. A majority of the members of the board shall constitute a  
45 quorum for the transaction of business. The board may call upon  
46 representatives of businesses in the State and of the department and  
47 its staff to provide information and testimony with regard to the  
48 disputes being reviewed by the board. Action may be taken and

1 motions and resolutions adopted by the board at any meeting  
2 thereof by the affirmative vote of a majority of the members.

3 f. Upon deciding the resolution of the dispute, the board shall  
4 issue a non-binding recommendation to the department and the  
5 business. If upon receiving a recommendation from the board, the  
6 business continues to be aggrieved, the business may submit  
7 additional information and request reconsideration of the  
8 recommendation of the board.

9 g. The board shall be entitled to the assistance and service of  
10 the employees of the Department of Environmental Protection, and  
11 any State, county or municipal department, board, bureau,  
12 commission or agency, or a public institution of higher education in  
13 the State, as it may require and as may be available to it for its  
14 purposes.

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16 2. This act shall take effective immediately.

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#### STATEMENT

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21 This bill establishes an independent grievance board, the  
22 “Business Grievance Board,” in, but not of, the Department of  
23 Environmental Protection (DEP) for the purpose of addressing  
24 disputes between businesses operating in the State and the  
25 Department of Environmental Protection. The board would receive  
26 complaints or requests for assistance to resolve disputes with the  
27 DEP from businesses, which the board would review and mediate a  
28 resolution between the business and the department.

29 The bill provides that the board would consist of five members  
30 with expertise in environmental issues and the operation of local,  
31 State, or federal government, to be appointed as follows:

32 1) two members appointed by the Governor upon the  
33 recommendation of the President of the Senate;

34 2) one member appointed by the Governor upon the  
35 recommendation of the Speaker of the General Assembly; and

36 3) two public members appointed by the Governor.

37 Finally, the bill specifies that a board would issue non-binding  
38 recommendations to the department and the business, but if after  
39 receiving the recommendation from the board, the business  
40 continues to be aggrieved, the business may submit additional  
41 information and request reconsideration of the recommendation of  
42 the board.